

# Exhibit B



U.S. Department of Justice


Federal Bureau of Prisons

Office of the General Counsel

Washington, DC 20534

DEC 05 2019

MEMORANDUM FOR T. SCARANTINO, COMPLEX WARDEN  
FEDERAL MEDICAL CENTER  
BUTNER, NORTH CAROLINA

FROM:   
Ken Hyle  
Assistant Director/General Counsel

SUBJECT: MADOFF, Bernard L.  
Federal Register No. 61727-054  
Request for Reduction in Sentence

Please be advised that Mr. Madoff's request for a reduction in sentence (RIS) pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) and PS 5050.50, Compassionate Release/Reduction in Sentence: Procedures for Implementation of 18 U.S.C. §§ 3582(c)(1)(A) and 4205(g), section 3(a) ("Terminal Medical Condition") is denied. We have carefully reviewed the documentation accompanying this request and have consulted with BOP's Medical Director.

Section 3(a) of PS 5050.50 provides that RIS consideration may be given to an inmate who has been diagnosed with a terminal, incurable disease and whose life expectancy is 18 months or less or who has a disease or condition with an end-of-life trajectory under 18 U.S.C. § 3582(d)(1). In addition, section 7 requires consideration of factors such as the nature and circumstances of the inmate's offense and whether release would minimize the severity of the offense.

Mr. Madoff, age 81, has a history of end-stage renal disease, hypertension, cardiovascular disease, esophageal reflux, hyperparathyroidism, bladder neck obstruction, and insomnia. He has been closely monitored by nephrology and, in August 2019, was found to have a glomerular filtration rate of four. He has refused dialysis and any further testing, including laboratory work. Given his refusal of treatment, he was admitted to the comfort care program at FMC Butner; however, medical staff continue to encourage him to comply with his treatment plan.

Mr. Madoff remains independent with his activities of daily living (ADLs) and instrumental ADLs, but requests assistance with laundry and uses a walker when ambulating. His condition is considered terminal with a life expectancy of less than 18 months.

However, Mr. Madoff was accountable for a loss to investors of over \$13 billion. Accordingly, in light of the nature and circumstances of his offense, his release at this time would minimize the severity of his offense. Therefore, although he meets the criteria for a RIS under section 3(a), his RIS request is denied.

Please provide Mr. Madoff with a copy of this decision.

cc: Darrin Harmon, Regional Director, Mid-Atlantic Region